

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,  
an Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY,  
a Pennsylvania corporation,

**DECLARATION OF  
CHRISTOPHER D. PHAM IN  
SUPPORT OF MOTION TO STRIKE  
PLAINTIFF'S JURY DEMAND ON  
DISGORGEMENT REMEDY**

Defendants.

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I, Christopher D. Pham, declare as follows:

1. I am an attorney at Fredrikson & Byron, P.A. and am one of the attorneys representing Defendants Federal Insurance Company and ACE American Insurance Company (collectively, "Federal") in this case.

2. Attached as **Exhibit 1** is a copy of the June 30, 2006 Software License and Maintenance Agreement for Blaze Advisor between Fair Isaac Corporation and Federal Insurance Company (FICO0000208-223).

3. Attached as **Exhibit 2** is a copy of the August 1, 2006 Amendment One to the Software License and Services Agreement between Fair Isaac Corporation and Federal Insurance Company (FICO0002118-119).

4. Attached as **Exhibit 3** is a copy of the December 28, 2006 Amendment Two to the Software License and Services Agreement between Fair Isaac Corporation and Federal Insurance Company (FICO0000226-228).

5. Attached as **Exhibit 4** is a copy of excerpts of the Expert Report of William S. McCarter, dated May 17, 2019.

6. Attached as **Exhibit 5** is a copy of excerpts of the Expert Report of Neil J. Zoltowski with Respect to Damages, dated April 19, 2019.

7. Attached as **Exhibit 6** is a copy of excerpts from the June 14, 2019 deposition of Neil J. Zoltowski.

8. Attached as **Exhibit 7** is a copy of excerpts from the June 19, 2019 deposition of Brooks Hilliard.

9. Attached as **Exhibit 8** is a copy of excerpts from the June 27, 2019 deposition of Randolph Bickley Whitener.

10. Attached as **Exhibit 9** is a copy of excerpts from the June 5, 2019 deposition of Billy McCarter.

11. Attached as **Exhibit 10** is a copy of *Equitable Infringement Remedies Before 1800*, from the Research Handbook on the History of Copyright Law.

12. Attached as **Exhibit 11** is a copy of Bruce S. Sperling's *The Right To Jury Trial In A Federal Action For Trademark Infringement Or Unfair Competition*.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: July 10, 2019

s/ Christopher D. Pham

Christopher D. Pham